IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 213 OF 2005
IN
SECOND APPEAL NO. 191 OF 1989

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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CORAM: P.V. KAKADE, J.

DATED: 22ND JULY, 2005

P.C.:

1. Heard learned counsel for both parties.

2. This is an application for bringing the legal heirs of deceased respondent No.1-C on record. Evidently, the application is delayed by 311 days. Respondents vehemently challenged the application on the ground that circumstances would show that they had knowledge of the death of the said respondent and, therefore, there is no reason why the application should be allowed.

2. However, in view of the facts and circumstances, I am inclined to grant the application as the reasons mentioned in the application appear to be acceptable.

Moreover, it is always better to adjudicate the dispute on merits in the interest of justice and, as such, the application is made absolute in terms of prayer clause (a), (b) and (c) on condition that the cost of Rs.1000/- shall be paid to the respondents.

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